



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, सोमवार, 27 नवम्बर, 2000/6 अग्रहायण, 1922

HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

NOTIFICATION

Shimla-2, the 17th November, 2000

No. HHC/Rules-22(25)/83-23505.—In exercise of the powers conferred by sub rule-4 of rule-5 C of part-III of the Himachal Pradesh Judicial Service Rules, 1973, the Hon'ble Chief Justice and Hon'ble Judges are pleased to make the following amendment in 'the Himachal Pradesh Judicial Service (Departmental Examination) Rules, 1976' :—

Short title and commencement.—(i) These rules shall be called 'the Himachal Pradesh Judicial Service (Departmental Examination) (4th Amendment) Rules, 2000.'

(ii) They shall come into force with immediate effect.

Amendment.—The existing rule-13 of 'the Himachal Pradesh Judicial Service (Departmental Examination) Rules, 1976, shall be substituted by the following :—

13. The Honorarium rates payable to the Examiner, Examination Superintendent and other staff deputed for conducting the Examination shall be as under :—

1. Setting of Examination Paper

Rs. 250/- per question paper plus Rs. 75 -
for supplying solution, if asked for.

2. Evaluation of answer books	Rs. 50/- per answer book subject to a minimum of Rs. 250/-.
3. Co-ordinator/Supervisor	Rs. 170/- per session Rs. 270/- per day (Two sessions).
4. Centre Superintendent	-do-
5. Deputy Superintendents	Rs. 140/- per session Rs. 210/- per day (Two sessions),
6. Invigilator	Rs. 110/- per sessions Rs. 170/- per day (Two sessions).
7. Clerk/Typist/Computer Operator/ Gestetner / Operator/Photostat Machine Operator/Driver	Rs. 60/- per session Rs. 140/- per day (Two sessions).
8. Class IV	Rs. 50/- per session Rs. 100/- per day (Two sessions).

By order,
Sd/-
District & Sessions Judge (Rules).

**GOVERNOR'S SECRETARIAT
HIMACHAL PRADESH
RAJ BHAVAN, SHIMLA**

NOTIFICATION

Shimla-171002, the 24th November, 2000

No. 34-27/77-GS-II.—His Excellency Dr. Suraj Bhan has assumed the charge of the office of the Governor of Himachal Pradesh on 24th November, 2000.

JIWANAND JIWAN,
*Commr.-cum-Secretary to Governor,
Himachal Pradesh.*

खाद्य एवं आपूर्ति विभाग

अधिसूचना

शिमला-2, 6 नवम्बर, 2000

संख्या एफ0 डी0 एस0-ए0-(3)-9/90-ई-लूज.—हिमाचल प्रदेश के राज्यपाल की राय है कि आर0 बी0 डी0 पामोलीन तेल, हिमाचल प्रदेश राज्य में राशन कार्ड के माध्यम से खुले रूप में नियत मात्रा पर लक्षित सार्वजनिक वितरण प्रणाली के अधीन कार्य कर रही उचित मूल्य की दुकानों के नेटवर्क के माध्यम से विक्रय के कारण, खाद्य तेल पैकेजिंग (विनियमन) आदेश, 1998 के उपबन्धों के अनुसार इसके वितरण/विक्रय को विनियमित करना व्यावहारिक नहीं है और इस तथ्य को ध्यान में रखते हुए, सार्वजनिक हित में यह समझा गया है कि आर0 बी0 डी0 पामोलीन तेल को खाद्य तेल पैकेजिंग (विनियमन) आदेश, 1998 के क्षेत्र से छूट दी जाए।

अतः हिमाचल प्रदेश के राज्यपाल, खाद्य तेल पैकेजिंग (विनियमन) आदेश, 1998 के खण्ड 3 के परन्तुक के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए, आर० बी० डी० पामोलीन तेल को उक्त आदेश के उपबन्धों से इस अग्रवृत्ता के जारी होने की तारीख से छः मास की अवधि के लिए जनहित में छूट देते हैं।

आदेश द्वारा,

सरिता प्रसाद,
वित्तायुक्त एवं सचिव।

[Authoritative English text of this Department notification No. FDS-A (3) 9/90-I-Loose, dated 6-11-2000 as required under clause (3) Article 343 of the Constitution of India].

FOOD AND SUPPLIES DEPARTMENT

NOTIFICATION

Shimla-2, the 6th November, 2000

No. FDS-A (3) 9/90-I-Loose.—Whereas, the Governor of Himachal Pradesh is of the opinion that on account of the sale of R. B. D. Palmolein Oil through the network of Fair Price Shops functioning under the Targeted Public Distribution System of fixed quantum in loose from against ration cards in the State of Himachal Pradesh, it is impracticable to regulate its distribution/sale in accordance with the provisions of the Edible Oils Packaging (Regulation) Order, 1998 and keeping this fact in view, it is considered in the public interest to exempt the R. B. D. Palmolein Oil from the purview of the Edible Oils Packaging (Regulation) Order, 1998.

Now, therefore, in exercise of the powers vested in him under proviso to clause 3 of the Edible Oils Packaging (Regulation) Order, 1998, the Governor of Himachal Pradesh is pleased to exempt the R. B. D. Palmolein Oil from the provisions of the said order for a period of six months from the date of issue of this notification in the public interest.

By order,

SARITA PRASAD,
Financial Commissioner-cum-Secretary.

HEALTH AND FAMILY WELFARE DEPARTMENT

NOTIFICATION

Shimla-171 002, the 3rd November, 2000

No. Health-A-A(3)-3/2000.—In partial modification of provisions of Rule-19 of Himachal Pradesh Civil Dental Services Rules, 1995 as notified vide Notification No. Health-A(3)-11/87, dated 28th April, 1995, the Governor, Himachal Pradesh, is pleased to relax the provisions regarding grant of "No Objection Certificate" and forwarding/sponsoring applications in respect of the doctors (dental) serving in Himachal Pradesh with immediate effect as under:—

1. Candidate should be regularly appointed in the HPHS ;

2. Candidate should have completed 2 years in tribal/difficult areas (different areas as defined by the Department of Personnel, Government of Himachal Pradesh from time to time),

OR

2. Candidate should have completed 3 years in rural areas (which may or may not include tribal/difficult areas);
3. Experience/service will include *ad hoc* and contract service.

By order,

P. C. KAPOOR,
Commissioner-cum-Secretary.

HOME (C) DEPARTMENT

NOTIFICATION

Shimla-2, the 1st November, 2000

No. Home-C(F)6-1:94-II.—The Governor, Himachal Pradesh is pleased to order that Shri R. L. Sharma (Retd. District and Sessions Judge), Member State Human Rights Commission, cease to be the member of the State Human Rights Commission from 20-12-2000 (A.N.) on attaining the age of Seventy years.

DEV SWARUP,
Financial Commissioner-cum-Secretary.

PANCHAYATI RAJ DEPARTMENT

ORDER

Shimla-9, the 4th November, 2000

No. PCH-HA(5)40/90-Behral.—Sh. Suresh Kumar, Pradhan (suspended) Gram Panchayat Behral, Development Block Paonta was arraigned of the following charges:—

1. That Sh. Suresh Kumar, Pradhan was held guilty on the basis of the inquiry report conducted by SDO (C) Paonta Sahib, District Sirmaur for making objectionable behaviour towards Kumari Rekha d/o Shri Fagan Singh.
2. That as per the serial No. 2, 7 & 8 of Para 5(4) of audit note for the period from 4/98 to 8/99, the Gram Panchayat bought cement under the grant of 10th Finance Commission for the repair of Panchayat Ghar, Gate and Pucci Street in the area of Gram Panchayat. This material was to be bought as per the instructions issued by the Department, from the Civil Supply Corporation but the said Pradhan has bought this cement/material from a private firms which was irregularity on behalf of the said Pradhan.
3. That as per the Para No. 5(4) of the audit note for the period from 4/98 to 8/99, under the grants of 10th Finance Commission, the said Pradhan received Rs. 3000/- for the construction of pucci street at Ward No. 4 of the Gram Panchayat, out of which

the Pradhan has entered expenditure of Rs. 1500/- for purchasing of cement and Rs. 1500/- for stones/sand/bold etc. But at the spot no work was found which shows the misutilisation of Government funds by the said Pradhan.

4. That as per Para 5(4) of the audit note for the period from 4/89 to 8/99, the said Pradhan received an advance of Rs. 7600/- under 10th finance Commission for no cause. The said Pradhan deposited the disputed amount after 37 days without using it in any developmental scheme.

On these basis he was placed under suspension *vide* order No. PCH-SMR(9)7/92-5758-65, dated 26-8-99 by the District Panchayat Officer, Sirmaur.

Inquiry under section 146(1) of the H. P. Panchayati Raj Act, 1994 was held.

On the basis of inquiry report and material on record, the following things came out against the delinquent Pradhan:—

On the complaint of Kumari Rekha, a minor girl of Behral, a case under section 354/506 of the IPC was registered against the delinquent Pradhan on 24-5-99 in Police Station Paonta Sahib. The FIR was duly supported by medical Examination. The case has been taken cognizance of by Ld. trial Court which goes to prove that, *prima-facie*, there is substance in the case.

The report dated 31-7-99 of SDO(C) Paonta Sahib, shows that the said Pradhan not only molested the said girl but also made efforts to prevent the girl and her father from lodging the FIR. The report of the SDO(C) goes on to exhibit that the general reputation of the said Pradhan is bad.

The Paonta Police had filed FIR on 1-4-1997 under section 354/504 of IPC against the suspended Pradhan on the complaint of Smt. Shakuntla Devi, w/o Shri Balkishan of Satiwala Village. However, the parties reached a compromise and the case was dismissed as withdrawn.

41 Residents of village Behral and Satiwala had made representations to IG, Human Rights Commission on 14-6-99 wherein they have highlighted the two incidents of sexual assaults by the said Pradhan.

Charge No. 4, *i. e.* unauthorised retention of Rs. 7600/- for 37 days stands proved.

Now, under section 146 of the H. P. Panchayati Raj Act, 1994 a member of PRI can be removed for the following, *inter alia* :

1. If he has been guilty of misconduct in the discharge of his duty;
2. If his continuance in the office is undesirable in the interest of public.

The 'misconduct' among other things, has been defined to include any action which adversely effects the dignity of women.

On the basis of charges 1 & 4, mentioned above, the delinquent Pradhan was founds guilty of misconduct and his continuance in the office founds to be undesirable in the interest of public.

Therefore, notice under section 146 was issued on the delinquent calling upon him as to why he should not be removed from the office of Pradhan and also as to why he should not be removed from the office of Pradhan and also as to why he shall not be disqualified for a period of 6 years to be elected as office bearer of a Panchayat under the Act.

In response to his notice he filed reply gist of which is tersely recorded as follows:-

1. The FIR is the outcome of animosity of certain individuals towards him. The criminal case is false and while the matter was inquired into by the Tehsildar/SDO (C), he was not provided an opportunity of being heard. The matter is subjudice and unless he is held guilty, he is innocent.
2. Regarding charge No. 4 he has contended that because of some disputes over the execution of the scheme, he could not start the work and that it was not his fault.

As regards charge No. 1, it is beyond apprehension that any father will use a minor daughter to settle his score. More so, because, this type of case involves a lot of bad name and agony to the prosecutrix and the family. Therefore, it is in the rarest of rare cases, that such incidents are reported as it also involves social stigma. Therefore, this defense of delinquent appears absolutely without grounds.

The assertion of the delinquent that no opportunity of being heard was provided by the Tehsildar/SDO(C) is wrong. A bare perusal of the report of SDO(C) Poanta-Sahib, submitted to Deputy Commissioner shows that the statement of the delinquent Pradhan was recorded which goes to prove that he was associated in the inquiry.

The H. P. Panchayati Raj Act, 1994 provides for termination and disqualification on the basis of any act of member of PRI which adversely affects the dignity of women.

The proceedings under the judicial court and the one under the H. P. Panchayati Raj Act are two different proceedings. The judicial court may require a conclusive proof to convict a person. Under the Panchayati Raj Act, the person is not being convicted; here action has to be taken to prevent a member of PRI after misusing his position as such from adversely affecting the dignity of women. For taking preventive action, the case does not have to be proved beyond reasonable doubt.

For the reasons recorded heretofore the Governor, Himachal Pradesh, in exercise of the powers vested in him, under section 146(1) of the H. P. Panchayati Raj Act, 1994 is pleased to remove Shri Suresh Kumar, Pradhan (suspended), Gram Panchayat Behral, Development Block Poanta-Sahib, District Sirmaur, (H.P.) forthwith. The Governor, in exercise of the powers vested in him in the Act *ibid* is further pleased to order the disqualification of said Shri Suresh Kumar for a period of 6 years to be elected as office-bearer of a Panchayat under this Act.

These orders shall come into force with immediate effect.

By order,

Sd/-
Commissioner-cum-Secretary.

पंचायती राज विभाग

अधिसूचना

शिमला-171009, 10 नवम्बर, 2000

संख्या पी0सी0एच0-एच0 ए0(4)-7/2000. — जिला मण्डी के ग्राम सभा क्षेत्रों के विभाजन/पुनर्गठन के सम्बन्ध में इस विभाग की समसंख्यक अधिसूचना दिनांक 31 अगस्त, 2000 में राज्यपाल, हिमाचल प्रदेश निम्नलिखित संशोधन करने के सहर्ष आदेश प्रदान करते हैं :—

1. ग्राम सरुआ को नवगठित ग्राम सभा दशेहड़ा में अपवर्जित करके वर्तमान ग्राम सभा हल्यातर में सम्मिलित किया जाता है ;
2. ग्राम दाण को नवगठित ग्राम सभा मगर पाधरू से अपवर्जित करके वर्तमान ग्राम सभा कोट में सम्मिलित किया जाता है ।

आदेश द्वारा,
हस्ताक्षरित/-
आयुक्त एवं सचिव ।

PANCHAYATI RAJ DEPARTMENT

ORDER

Shimla-9, the 13th November, 2000

No. PCH-HA (1) 15/99-Guidlines-28636-28736.—Whereas the Elections to the members of Zila Parishad in Himachal Pradesh are being held so as to constitute the Zila Parishads before the expiry of the present term of the existing Zila Parishad.

And whereas section 121(A) of the Himachal Pradesh Panchayati Raj Act, 1994 (Amended) requires that the total maximum expenditure to be incurred by each candidate for the said elections is to be prescribed by the Government and also that every candidate of an election of member of Zila Parishad shall keep account of all expenditure in connection with the election incurred or authorised by him or by his election agent and that the account shall contain such particulars as may be prescribed.

Therefore, the Governor of Himachal Pradesh in exercise of the powers conferred to him under section 121(A)(1) and (3) of the Himachal Pradesh Panchayati Raj Act, 1994 (Amended) is please to fix Rs. 30,000/- as maximum expenditure limit to be incurred by each candidate in connection with the election of members of Zila Parishad within the meaning of section 121 (A) (1) and (3). Format of account as required under section 121 (A) (2) shall be the same as has already been formulated by the State Election Commission for the Election of office bearers of Gram Panchayat and Panchayat Samiti.

By order,

Sd/-
Commissioner-cum-Secretary.

